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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,485	07/11/2001	Laurence Mott	TPP 30890A	5921

7590

12/04/2003

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EXAMINER

YAO, SAMCHUAN CUA

ART UNIT

PAPER NUMBER

1733

DATE MAILED: 12/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

eb6

<b>Office Action Summary</b>	Application No. 09/902,485	Applicant(s) MOTT ET AL.	
	Examiner Sam Chuan C. Yao	Art Unit 1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-61, 64 and 65 is/are pending in the application.  
     4a) Of the above claim(s) 2-61 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 64 and 65 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
     a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Election/Restrictions***

1. Applicant's election of Group I Species B,E,I,N,O,S,U, and Y (Claims 1 and 64-65) in Paper No. 5 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 and 64-65 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is indefinite, because it is unclear what is taken to be the recited board. In the preamble in this claim, it recites "... *a board used as a core for carrying decorative laminates, the board having particles bonded ...*". Is this limitation intended to require that, the recited board consist of bonded particles formed by the process steps in the body of this claim? If so, how can a décor which is printed on an upper side of the board be visible, since a paper impregnated web and a wear layer are applied over the décor printed board? Moreover, the recited forming step is confusing. Is this forming process step an additional and distinct step to the recited allowing and adding steps. This forming step would appear to

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be redundant, because the recited allowing and adding steps would appear intrinsically form a mixture of particles, water and bonding agent.

Claim 64 is indefinite, because the phrase "*the surface*" does not have a positive antecedent basis. What surface is being provided with a printed décor? Is it a surface of a board core, a wear layer or support webs? Moreover, the recited laminating step is confusing. What component is being laminated with the recited "*at least one group of support webs*"? As best understood, the group of support webs is laminated onto the board core.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Johnson et al (US 3,996,154).

Johnson et al discloses a process of making an integrally bonded block/slab of foam particles (taken to be a board), the process comprises providing scrap rigid polyurethane or polyisocyanurate foam (taken to be a cured water-absorbent foam) in a form of small particles or cutting dust, impregnating the particles with an aqueous emulsion of an isocyanate binder to form a mixture; and heat-pressing the mixture to form the integrally bonded block/slab having a desired

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shape or size; and, bonding a paper facing layer onto the block (col. 4 line 38 to col. 6 line 20; example 14). Although not explicitly disclosed, in forming scrap foam pieces in a form "*small particles*", scrap foam must be subjected to some form of a grinding operation. In any event, such would have been obvious in the art, because it is a notoriously common practice in the art to form particles from a scrap foam material by subjecting the scrap foam material to a grinding operation. Moreover, it would appear that, the recited grinding step reads on scrap foam pieces in a form of cutting dust.

As for the recited step of "*allowing the particles to absorb a preselected amount of water*", the amount of water the particles absorb clearly depend on a number factors such as blending/impregnation time, amount of water in the aqueous-based binder, absorption characteristic of a selected foam material, etc. Although not explicitly disclosed, it is taken that a desired blending/impregnation time, amount of water in the aqueous-based binder, type of foam, etc. would have been selected/determined in the process taught by Johnson et al This in turn would naturally and indirectly allow the particle to absorb a preselected amount of water. In fact, on page 3 item number "ii" of Applicant's specification, it discloses that, "*The water is either added at any stage before the adding of bonding agent, and/or being used as a solvent in the bonding agent.*" (emphasis added). For this reason, this limitation is taken to read on the process of impregnating foam particles with an aqueous-based binder taught by Johnson et al.

***Allowable Subject Matter***

5. Claims 64-65 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter:

Lynn et al (US 6,093,481) teaches forming an insulating board with facing sheets, the board comprises a rigid foam core such as a polyurethane foam, polyisocyanurate foam, etc.; a pair of kraft paper facer layers contiguous to the foam core; and a pair of covering polymeric films on the facer layers (col. 3 lines 49-63; col. 4 lines 50-65; figure 2); and further teaches various embodiments with different facing sheets (figures 1 and 3-4). However, neither Johnson et al, Lynn et al nor other art taken teaches the limitations recited in claim 64.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Chuan C. Yao whose telephone number is (703) 308-4788. The examiner can normally be reached on Monday-Friday with second Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff H Aftergut can be reached on (703) 308-2069. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7115.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2058.



Sam Chuan C. Yao  
Primary Examiner  
Art Unit 1733

Scy  
11-29-03